

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Michael Lee Montgomery, II,

Plaintiff,

v.

City of Columbia,

Defendants.

C/A No. 3:15-cv-4039-JFA

ORDER

Michael Lee Montgomery, II (“Montgomery”) filed this *pro se* action on September 29, 2015 against the City of Columbia. (ECF No. 1). Montgomery’s action alleges that the city police officers “infringed his right to freedom” by questioning him after they received a complaint about a trespasser matching his description. *Id.* In essence, Montgomery seeks damages in the amount of \$3,000,000 from the City of Columbia because he was temporarily questioned by police.

The Magistrate Judge assigned to this action¹ prepared a thorough Report and Recommendation (“Report”) and opines that this Court should summarily dismiss the Complaint in this case without prejudice, and without issuance and service of process. (ECF No. 13). The Report sets forth in detail the relevant facts and standards of law on this matter, and this Court incorporates those facts and standards without a recitation.

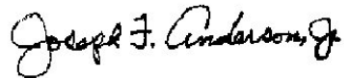
¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(g) (D.S.C.). The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

Montgomery was advised of his right to object to the Report, which was entered on the docket on February 19, 2016. (ECF No. 13). However, Montgomery did not file objections. In the absence of specific objections to the Report of the Magistrate Judge, this Court is not required to give an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After carefully reviewing the applicable laws, the record in this case, as well as the Report, this Court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, the Court adopts the Report and Recommendation.

IT IS SO ORDERED.

March 14, 2016
Columbia, South Carolina

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge